

**ALISO VIEJO MINUTES
CITY COUNCIL REGULAR MEETING
May 18, 2005**

CALL TO ORDER

The regular meeting of the City Council of the City of Aliso Viejo was called to order by Mayor Warkomski at 7:04 p.m. on Wednesday, May 18, 2005 at the Aliso Viejo City Hall Council Chambers, 12 Journey, Aliso Viejo, California.

A complete copy of the agenda for the meeting containing all items as shown herein was posted by 7:00 p.m. on May 13, 2005 on the outdoor bulletin board at City Hall. Copies were also posted at the Aliso Viejo Library, 1 Journey, and the Aliso Viejo Sheriff's Substation, 11 Journey.

ROLL CALL

Assistant to the City Manager / City Clerk Robinson announced that speakers' slips were available by the front door and should be given to the City Clerk.

Present: Mayor Karl P. Warkomski
Mayor Pro Tem Carmen Vali-Cave
Council Member Cynthia D. Adams
Council Member Greg Ficke
Council Member William A. Phillips

Absent: None.

PLEDGE OF ALLEGIANCE

Boy Scouts Troop #700 led the Pledge of Allegiance.

SPECIAL PRESENTATIONS

South Orange Regional County Chambers of Commerce President Duane Cave and Aliso Viejo Chamber of Commerce President Frances Hicks presented the Crystal Ball for the fifteenth annual Chamber Ball to Mayor Warkomski. Additionally Mr. Cave, on behalf of Assemblywoman Walters, presented a proclamation to Mayor Warkomski on his vision and leadership as Mayor.

Mayor Warkomski presented Certificates of Recognition to the Aliso Niguel High School JV Song Team 2005 for achieving first place in the National United Spirit

Association - JV Song-Pom Advanced. Mayor Warkomski requested a cheer from the team.

Mayor Warkomski presented to Mayor Pro Tem Vali-Cave the proclamation declaring May 15, 2005 through May 22, 2005 as Emergency Medical Services Week. On behalf of O.C. Health Care Agency-Emergency Medical Services Steve Ambriz who was unable to be present at the meeting, Mayor Pro Tem Vali-Cave gave a list of services available and the special events occurring in celebration of this week. She added that the City of Aliso Viejo was the first City to utilize Prop. 10 funding for the child safety seat program.

PROCLAMATIONS PRESENTED ELSEWHERE

Assistant to the City Manager / City Clerk Robinson stated a Certificate of Recognition was presented to Mark Cleve for exhibiting a high degree of honesty and integrity in returning a fairly large sum of money; a proclamation declaring May 7, 2005 as Soka University's 4th Annual International Festival Day; and a proclamation celebrating Soka University's First Commencement on May 22, 2005 were presented to Soka University.

ADDITIONS, DELETIONS, REORDERING TO THE AGENDA

None.

CONSENT CALENDAR

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to approve the Consent Calendar as described below. Motion carried unanimously, 5-0.

1. Waive the Reading of All Ordinances

Waived the reading of all Ordinances in their entirety and read by title only.

2. Minutes – May 4, 2005 Meeting

Approved the Minutes as submitted.

3. Minutes – May 6, 2005 Special Meeting

Approved the Minutes as submitted.

4. **Warrants**

1. Ratified warrants for April 28, 2005 in the amount of \$242,575.72; and
2. Ratified warrants for May 5, 2005 in the amount of \$140,258.97.

PUBLIC HEARING

5. **Antenna Site Development Permit ASDP04-22: A Request of AT&T Wireless to Locate Three Cellular Antennas Divided Equally in Three Sectors on a Combination Signal/Light Pole that Serves the Intersection of Pacific Park Drive and Canyon Vistas.**

Council Member Ficke announced that although he did not have a conflict with the economic interest parameters, he mentioned that he does work with the Consultant and therefore reclused himself from this item.

Council Member Ficke left the dais at 7:15 p.m.

Ken Wilholte stated that he lived next to the proposed antenna site and wanted the site to be relocated to another area such as on the mountain owned by Mouton Niguel or on the other side of the street.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Adams, to continue Item to June 1, 2005. Motion carried unanimously, 4-0, with Council Member Ficke being absent during this item.

Council Member Ficke returned to the dais at 7:22 p.m.

6. **Conditional Use Permit UPAV05-02 for the Establishment of a Private High School at 7 Argonaut**

RESOLUTION NO. 2005 – 030

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UPAV05-02 FOR ESTABLISHMENT OF A PRIVATE HIGH SCHOOL AT 7 ARGONAUT WITHIN THE PACIFIC PARK 1 BUSINESS PARK

Planning Case Consultant Lawrence gave a brief background from the staff report.

Discussion ensued regarding: the signage of the building, the directional signs on the street, the signage being installed stating “No Visitor Parking beyond this point”, the plan for picking up chairs on the spaces for

designated passive recreational use at any time, the designated passive recreational area being removed only during special events, the adequate parking and turnaround areas, the turnaround when the gates were closed, the direction for traffic during the days when gates are closed, the parking in the back being designated spaces for staff, the potential problems for backing up the driveway if visitors go too far into the gated area, the review of the T-intersection at Argonaut and Argonaut, the Level of Service being adequate, the change in services which may possibly need a stop sign in the future, the drop off of students without entering the site, no street parking , the personnel acting as Monitors assuring that no students were dropped off in the street but directing cars to enter the site and continue through the loop, the “left turn lane only” on the exit, the challenges with the “left turn lane only” on egress, the traffic counts conducted, the spaces designated for visitor parking, and the recycling components of the facility.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Further discussion ensued regarding the information given at the dais and the floor plan submitted in the agenda packet being different, the changes requested by Council Member Phillips, the trash enclosures being placed at the back door (east side of the building), the student parking being placed in the back of the building, the “visitor only” parking being placed in the front of the building only, the signage needed that visitors should not park in the back of the building, the diagram of the gating and parking spaces, whether the striping was being adjusted, the revised drawings being placed on file, the tenant improvement plans that still need to be submitted, the queuing on the streets, the roll up doors, the two parking spaces, the suggestion not to use those two parking spaces during the day near the designated passive recreational area, and confirmation that the parking spaces were legal and conforming.

A MOTION was made by Council Member Phillips and seconded by Council Member Ficke, to adopt Resolution No. 2005 – 030 approving the Use Permit UPAV05-02 subject to the conditions of approval in the amended resolution. Motion carried unanimously, 5-0.

7. **Conditional Use Permit UPAV05-04 for the Establishment of a Private School at the First Baptist Church Located at 24521 Moulton Parkway**

RESOLUTION NO. 2005 – 031

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DENYING CONDITIONAL USE PERMIT UPAV05-04 FOR THE ESTABLISHMENT OF A PRIVATE SCHOOL AT THE FIRST BAPTIST CHURCH LOCATED AT 24521 MOULTON PARKWAY

Planning Director Garcia gave a brief background from the staff report. She stated that the DRC recommended approval to Council on this project, 5-2. Mayor Pro Tem Vali-Cave reiterated that new information should not be distributed at the dais.

Discussion ensued regarding the limited play area, the active recreation use in the parking lot, the notice to the surrounding neighborhood, the CUP requirement on Journey at the medical center, the medical use description of the business in a medical center since they distribute medication, the school use description of the business when applying for space at the National Gymnasium site, the definition of a school, the appropriate site for a school, the copy of their credentials, the CUPs required for school/medical site, the inconsistency of the business description, the partial medical use, the incomplete application with no site plan, the issue of medical facility versus school facility, the approval not granted at the National Gymnasium and yet they located there without permits, the relationship with South Coast Medical, that the church site may not be an appropriate location, the facility and work done that may be conducive to a church site with limited hours of use, the number of children, the number of attendees living in Aliso Viejo, and the photos submitted by the Applicant.

Applicant Helen Condas explained the process of how the school/medical operates. She stated that the teachers are credentialed and the school was a "certified non-public school". She stated that she searched various locations for relocation.

Corey Crow became a teacher after working with his brother in the program. He described the school, its facilities, and the need it provides.

Dr. Condas stated the school has operated the same as it always has been and described the structure, recreational facilities, and dispensing of medications.

City Manager Norman stated that the application submitted was an incomplete application and not to City standards. He suggested standard material be submitted by the Applicant.

Further discussion ensued regarding a copy of the credentials, an explanation of the difference between medical and school use for this business, having the church be fully knowledgeable about the use, the school district not providing for locations for these needs, an explanation of what recreational activities are to be conducted, the disruption of their lease arrangements, and having no conflict with the church's operational use.

A MOTION was made by Council Member Adams and seconded by Council Member Ficke, to continue Item to June 1, 2005 with a completed application submitted including students' geographic location of their residence. Motion carried unanimously, 5-0.

COUNCIL BUSINESS

8. Community Development Block Grant (CDBG) Urban County Cooperation Agreement

City Manager Norman gave a brief background from the staff report. A PowerPoint presentation was given by the County of Orange on the services available through this agreement.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Discussion ensued regarding other successful projects funded through this program, the type of projects acceptable to the program, how the program works, the rehabilitation of a public facility in a low income area, identifying the areas of need, the process of distributing funds, the high costs and demand for housing, and the positive experience with the County of Orange on a CDBG project in Dana Point.

A MOTION was made by Council Member Ficke and seconded by Council Member Adams to authorize the Mayor to execute a cooperation agreement with the County of Orange for funding and services related to the Community Development Block Grant (CDBG) Program. Motion carried unanimously, 5-0.

Further discussion ensued regarding the important projects it supports, examples of viable projects in a City, and the difficulty in proving the economic need.

9. Vacation of Public Service Easements for Glenwood Development

RESOLUTION NO. 2005 – 032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO DECLARING INTENTION TO VACATE CERTAIN PUBLIC SERVICE EASEMENTS WITHIN THE GLENWOOD AT ALISO VIEJO SPECIFIC PLAN PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 8300 ET SEQ. AND DETERMINING THAT SUCH VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN

City Engineer Whitman gave a brief background from the staff report.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Discussion ensued regarding the problems with vacating, essentially a “quit claim deed” process with the owner, the protection to not allow flight patterns over Aliso Viejo, that all the easements were listed in the Specific Plan, and the need to redefined some additional easements which was a standard process.

Council Member Adams left the dais at 8:58 p.m.

Council Member Adams returned to the dais at 8:59 p.m.

A MOTION was made by Council Member Ficke and seconded by Council Member Phillips to adopt Resolution No. 2005 – 032 declaring intention to vacate certain public service easements for the Glenwood Development and determining that such vacation is consistent with the City’s General Plan. Motion carried unanimously, 5-0.

10. Lot Line Adjustment No. LL05-02 for Tract No. 15824, Vantis Parking Structure, Shea Properties

RESOLUTION NO. 2005 – 033

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA APPROVING LOT LINE ADJUSTMENT NO. LL05-02 FOR TRACT NO. 15824 (VANTIS PARKING STRUCTURE), SHEA PROPERTIES

City Engineer Whitman gave a brief background from the staff report.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Discussion ensued regarding the location of the lot line adjustment.

A MOTION was made by Council Member Adams and seconded by Council Member Ficke to adopt Resolution No. 2005 – 033 approving Lot Line Adjustment No. LL05-02 and directing Staff to record proper documents with the Orange County Recorder. Motion carried unanimously, 5-0.

11. Professional Services Agreement between the City of Aliso Viejo and

Civic Solutions, Inc. for Planning Consultant Services

Planning Director Garcia gave a brief background from the staff report.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

Discussion ensued regarding forecasting costs of the contract, the cost of review being borne by the Developers, and making sure that the Consultant did not have any other prior or current agreements with the Developers.

A MOTION was made by Mayor Pro Tem Vali-Cave and seconded by Council Member Phillips, to approve and authorize the City Manager to sign a professional services agreement between the City of Aliso Viejo and Civic Solutions, Inc., for planning consultant services. Motion carried unanimously, 5-0.

12. Adoption of Law Enforcement Services Agreement for FY 2005-06

Chief of Police Services Lieutenant Paddock gave a brief background from the staff report. He introduced Susan Markey and Tricia Bellow who were available to answer any questions from Council.

Discussion ensued regarding the printed material from AVCA that Aliso Viejo has a crime problem, the statistics of tagging and graffiti were given and that Aliso Viejo did not have a crime problem, the rise in graffiti being an alternative spike that would eventually be caught, the accomplishments by the Sheriff's Department in the past year, the support of law enforcement, the special services used on community events, the costs savings by using Reserves and Explorers, the support from Laguna Woods on a new motorcycle, the current motorcycle being obsolete, the need for additional mechanical repair on the current motorcycle, the life expectancy of a motorcycle, the change of time for schools in the Capistrano District, the desire to have more timely notification from the District, and the overtime costs incurred.

Council Member Ficke left the dais at 9:20 p.m.

Council Member Ficke returned to the dais at 9:21 p.m.

Mayor Warkowski opened the item for public testimony. There being none, Mayor Warkowski closed the item for public testimony.

A MOTION was made by Council Member Ficke and seconded by Council

Member Phillips, to approve and authorize the Mayor to execute the "Agreement Between the City of Aliso Viejo and the County of Orange" for FY 2005-06 law enforcement services, subject to budget approval; to approve and authorize the Mayor to execute the "Joint Agreement for the Operation, Maintenance and Financial Management of the Orange County 800 Megahertz Countywide Coordinated Communications System / November 2004", including backbone cost-sharing budget approval for FY 2005-2006, subject to budget approval; and to approve and authorize the Mayor to execute the "Amendment to the Agreement between All City Management Services, Inc. and the City of Aliso Viejo for providing School Crossing Guard Services" for FY 2005-06, subject to budget approval. Motion carried unanimously, 5-0.

COMMUNITY INPUT

Nancy Conley wanted to know about the road closure at Pacific Park on May 30. She also wanted to know the status of parking at the Brookline Park on Glenwood. She questioned the time allowed for temporary signage, and added that Stater Bros temporary sign was up for some time. Lastly, she requested that cars get ticketed for street cleaning days.

CITY MANAGER'S REPORT

City Manager Norman responded to Nancy Conley's inquiries. He stated that the 5K/Half-Marathon Race was on May 30 and that the curb lane on Aliso Creek Road would be closed during the race. He stated that temporary signage was a two-week window and that staff would check the signage at Stater Bros. He added that it was not feasible for parking at Brookline Park. Lastly, he stated that the Sheriffs do ticket cars parked on the street during street cleaning time and would advise the Sheriffs of that particular area.

City Manager Norman reported that the slurry seal project was completed. He added that the slurry seal would be done on Aliso Creek after the median work was completed. He added that the median work should be completed by July. Lastly, he announced that Saturday's Master Plan Workshop was postponed until July.

ANNOUNCEMENTS/COUNCIL COMMENTS/COMMITTEE UPDATES

Council Member Ficke

Council Member Ficke stated that the Cancer Relay for Life event would be at the Middle School on June 11 and 12.

Council Member Adams

Council Member Adams stated that ETRPA meeting was cancelled. Council Member Adams stated that she attended the OCFA's Budget and Finance Committee, which recommended approval of the Budget to the Board. Lastly, she stated that the court heard the issue of the Prop 172 ballot and the judgment was to move forward for an election, and that it may possibly be placed on the proposed special election.

Mayor Pro Tem Vali-Cave

Mayor Pro Tem Vali-Cave reported on the 2nd AV Golf Cup held on June 3. She stated that Regal Entertainment would be providing movie passes to the FRC.

Mayor Pro Tem Vali-Cave attended the following events: Peace Officer's Memorial, the Child Seat Safety Program, and the Legislation Advocacy Committee Meeting of the Orange County Division of the League of California Cities. The Committee desired to take a position on the Federal CDBG funding.

Mayor Pro Tem Vali-Cave stated that the term sheet for the Foothill/Eastern TCA was returned but that it did not solve any long-term problems. She added that the City of Mission Viejo provided a financial alternative to connect the Foothill/Eastern with the San Joaquin Hills, but provided no funding sources.

Mayor Pro Tem Vali-Cave announced the Super Sunday program at the Anaheim Angels Stadium and the upcoming 5k and half-marathon race on Memorial Day.

Council Member Phillips

Council Member Phillips mentioned the Saddleback 5k and half marathon race being held on Memorial Day.

Mayor Warkomski

Mayor Warkomski announced his attendance at the following upcoming events: Merit Properties' "Meet the Community Leaders" event, Vector Control, and Soka University's first commencement on Sunday.

CLOSED SESSION

At the hour of 9:35 p.m. the City Council recessed to Closed Session regarding:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property:	All City Right-of-Way
Agency Negotiator:	David Norman, Scott Smith
Negotiating Parties:	CR&R
Under Negotiation:	Franchise Use of City Right-of-Way for Solid Waste Disposal (Price and Terms)

At the hour of 10:23 p.m. the City Council reconvened, with all Council Members present.

Mayor Warkomski announced that there were no reportable actions taken in closed session.

ADJOURNMENT at 10:24 p.m.

Submitted By:

Approved By:

Susan Robinson, CMC
City Clerk

Karl P. Warkomski
Mayor